IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5497 OF 2004

Shrikrishana Sahakari Doodh Vyavasaik Sanstha Maryadeet, Kalkundri.
..Petitioner.

Vs.

Ramchandra N. Patil. ..Respondent.

Mr. P.D. Dalvi for the Petitioner.
Mr.U.B. Nigot for the Respondent No.1.
Mr.C.R.Sonawane, AGP. for the Respondent Nos. 7 to 10.

CORAM : R.S. MOHITE,J.
DATED : 01/12/2005.

P.C.

1. This writ petition impugns an order passed by the Chief Minister in exercise of powers under Section 154 of the Maharashtra Co.op. Societies Act,1960 by which he has allowed Revision Application No. 16/2003 and set aside the order dated 30.9.2003 passed by the Joint Registrar of Co-operative Societies (Dairy) Mumbai. The order in revision also confirms the initial order dated 26.5.2003 passed by the Divisional Dy. Registrar of Co-operative Societies, Pune.

2. The main point that was urged in this petition was that the Divisional Dy. Registrar of Co-operative Societies, Pune did not give hearing to the petitioner society which would have been affected by the registration of the proposed society.The record was

called for in this case and it appears that notice was sent to the petitioner society by Under Certificate of Posting on 3.5.2003. The Advocate for the respondent has filed a reply to this petition and in Paragraph 6 of the said reply, it is mentioned that the notices of hearing dated 29.4.2003 were sent to the petitioner and other three registered societies by U.C.P. In Paragraph 7, it is mentioned that the Secretary of the petitioner society by name Bajarang Ishwar Patil received the said notice on 7.5.2003 under an endorsement. The zerox copy of the notice bearing endorsement of the said secretary is annexed alongwith the reply marked as Exh.3. This reply was affirmed on 6.8.2004 and the copy of the same was served on the other side. The facts mentioned therein have not been controverted by the petitioner. In the circumstances, it cannot be held that there was no notice of the hearing before the concerned authority. It was also sought to be argued that the proposed society did not have sufficient milk and the collection capacity of the proposed society per day is less than 250-ltrs. However, the report indicates that the milk collection capacity of the proposed society is 402-ltrs. The said report is critized on the basis of a noting made thereon that the report is not correct. In my view, not a fit case to entertain the petition. Hence, petition dismissed.

(R. S. MOHITE, J.)